

**BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA**

Docket No. 2003-326-C

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| IN RE: |) | |
| |) | |
| Analysis of Continued Availability |) | ITC^DELTA COM |
| Of Unbundled Local Switching for |) | COMMUNICATIONS, INC. |
| Mass Market Customers Pursuant |) | AND BTI'S OBJECTIONS TO |
| To the Federal Communication |) | BELLSOUTH'S FIRST SET OF |
| Commission's Triennial Review Order |) | INTERROGATORIES |
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ITC^DeltaCom Communications, Inc. d/b/a ITC^DeltaCom and Business Telecom, Inc. d/b/a BTI (hereinafter referred to collectively as "DeltaCom") pursuant to the Joint Motion for Initial Procedural Order filed by BellSouth and CompSouth on November 12, 2003 ("proposed Initial Procedural Order"), object generally and specifically to BellSouth Telecommunications, Inc.'s ("BellSouth") First Set of Interrogatories ("BellSouth's Interrogatories") to DeltaCom, served on November 17, 2003.

DeltaCom's objections are preliminary in nature. DeltaCom reserves the right to amend, supplement, or revise these objections, and assert additional objections, should DeltaCom discover additional grounds for objecting as DeltaCom prepares its responses to any discovery or at any time prior to hearing.

General Objections

1. DeltaCom objects to the BellSouth's Discovery Requests to DeltaCom to the extent that they are overly broad, lack specificity, unduly burdensome, irrelevant and not likely to lead to the discovery of admissible evidence pursuant to the Procedural Order or applicable South Carolina law.

2. DeltaCom objects to BellSouth's Discovery Requests to DeltaCom to the extent that they seek discovery of information protected by attorney-client privilege, the work product doctrine, the accountant-client privilege, or any other applicable privilege.

3. DeltaCom objects to BellSouth's Discovery Requests to DeltaCom to the extent that they purport to impose discovery obligations on DeltaCom beyond the scope of, what is permitted under the proposed Initial Procedural Order and applicable South Carolina law.

4. DeltaCom objects to BellSouth's Discovery Requests to DeltaCom to the extent that they purport to seek discovery of matters other than those subject to the jurisdiction of the Commission pursuant to the Federal Communications Commission's ("FCC") Triennial Review Order ("TRO") or applicable South Carolina law.

5. DeltaCom objects to all Discovery Requests which require the disclosure of information that is already in the public domain, BellSouth already has possession of or unrestricted access to, and information that is otherwise on record with the Commission or the FCC.

6. DeltaCom objects to BellSouth's Discovery Requests to DeltaCom to the extent that they seek information and discovery of facts known and opinions held by experts acquired and/or developed in anticipation of litigation or for hearing and outside the scope of discoverable information pursuant to applicable South Carolina law.

7. Pursuant to the proposed Initial Procedural Order, the TRO, and applicable South Carolina law, to the extent that BellSouth's Discovery Requests request specific financial, business or proprietary information regarding DeltaCom's economic business model, DeltaCom objects to providing or producing any such information on the grounds

that those requests presume that the market entry analysis is contingent upon DeltaCom's economic business model instead of the hypothetical business model contemplated by the TRO.

8. DeltaCom objects to BellSouth's definitions of "hot cut," "batch hot cut," "individual hot cut," "coordinated cut over" and "coordinated time-specific cut over" and each and every interrogatory that includes such terms, as such definitions are vague and not adequately defined in that it is not clear whether or to what extent BellSouth's practices are consistent with the FCC's use of such terms. The reference in BellSouth's definition of "hot cut" to the "entire process" is vague in that it is not clear whether this includes number portability or whether it is limited to the physical process of transferring a customer. The term "batch" is vague in that it is unclear how many lines or customers constitute a "batch" or whether conversion of a single customer with several accounts would constitute a "batch." BellSouth's use of the term "individual hot cut" is vague in that it is defined with reference to "batch hot cuts," which is itself vague and ambiguous. BellSouth's definitions of "coordinated cut over" and "coordinated time-specific cut over" are vague and ambiguous. The distinctions among BellSouth's definitions for "hot cuts," "individual hot cuts," "coordinated cut overs" and "coordinated time-specific cut overs" are unclear. Thus, such discovery is over broad and it would be unduly burdensome for DeltaCom to respond to such ambiguous discovery requests. DeltaCom further objects to BellSouth's use of such terms as they apply to BellSouth's individual hot cut process as DeltaCom is not privy to each and every process or procedure employed by BellSouth in implementing such hot cuts.

9. DeltaCom objects to BellSouth's definition of "business case" as vague

and overly broad.

10. DeltaCom objects to BellSouth's definition of "voice grade equivalent lines" as vague and ambiguous and subject to differing interpretations. For instance, it is unclear whether this term as defined includes lines capable of carrying voice traffic but which are, in fact, used for data traffic.

11. DeltaCom objects to the definitions for "qualifying service" and "non-qualifying service," and each and every interrogatory that includes such terms, as DeltaCom does not use such terms in the ordinary course of business and answering in these terms would require DeltaCom to provide a legal interpretation of the FCC's terms. With the exception of the specific services the FCC has designated as qualifying or non-qualifying, the term is not clearly defined by the FCC or by BellSouth. For example, as the FCC stated in footnote 466 of the TRO, "Our list is intended to identify general categories of services that would qualify as eligible services. It is not intended to be an exhaustive list or to identify services in a more particular manner." Thus, such discovery is overly broad and would be unduly burdensome for DeltaCom to respond to such ambiguous discovery requests.

12. DeltaCom objects to BellSouth's Discovery Requests to the extent they seek information related to special access circuits purchase out of BellSouth's interstate tariff rather than to unbundled network elements.

Specific Objections

1. DeltaCom objects to this interrogatory on the grounds that it would require DeltaCom to provide switch location information that is already in BellSouth's possession. Other information requested by BellSouth pursuant to these interrogatories is

irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. For example, DeltaCom is not a wholesale switching provider. DeltaCom objects to this interrogatory because the term "qualifying service," is undefined, as more fully explained in General Objection 11 above. Therefore, this interrogatory is overly broad and it would be unduly burdensome for DeltaCom to respond to such ambiguous discovery.

DeltaCom also objects to this interrogatory to the extent such the information BellSouth seeks is publicly available. Subject to and without waiving this objection, DeltaCom will identify each switch it is using to provide service in South Carolina.

2. DeltaCom objects to this interrogatory on the grounds that it would require DeltaCom to provide information regarding "CLLI" codes and switch location information that is publicly available and already in BellSouth's possession. Other information requested by BellSouth pursuant to this interrogatory is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. For example, DeltaCom is not a wholesale switching provider. The rates, terms and conditions of its retail switching service are beyond the scope of this proceeding. Also, rates for such services and conditions are confidential and proprietary to DeltaCom. Additionally, this interrogatory requests information regarding "voice grade equivalent lines" a term that is vague and ambiguous and subject to dispute as explained in General Objection 10 above. Finally, certain information sought in this interrogatory regarding the make and model of switching equipment is subject to confidentiality and non-disclosure agreements between DeltaCom and third parties, including equipment manufacturers.

3. & 4. DeltaCom objects to these interrogatories on the grounds that it would require DeltaCom to provide switch location information that is already in

BellSouth's possession. Other information requested by BellSouth pursuant to these interrogatories is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. For example, DeltaCom is not a wholesale switching provider. DeltaCom objects to these interrogatories because the term "qualifying service," is undefined, as more fully explained in General Objection 11 above. Therefore, these interrogatories are overly broad and it would be unduly burdensome for DeltaCom to respond to such ambiguous discovery requests. Subject to and without waiving this objection, DeltaCom will identify each switch it is using to provide service in South Carolina.

5. DeltaCom objects to this interrogatory on the grounds that it would require DeltaCom to provide information that is already in BellSouth's possession. Certain information requested by BellSouth is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. DeltaCom objects to this interrogatory because the term "qualifying service," because it is undefined, as more fully explained in General Objection 11 above. Therefore, this interrogatory is overly broad and it would be unduly burdensome for DeltaCom to respond to such ambiguous discovery. Subject to and without waiving these objections, DeltaCom will provide a response based on the areas served by its switches.

6. & 9. DeltaCom objects to these interrogatories on the grounds that they would require DeltaCom to provide information that is already in BellSouth's possession. Additionally, certain information requested by BellSouth is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. DeltaCom objects to these interrogatories on the grounds that BellSouth's definition of "voice grade equivalent

lines” is vague and ambiguous as explained more fully in General Objection 10 above. DeltaCom objects to BellSouth’s Interrogatories to the extent they seek information related to special access circuits purchase out of BellSouth’s interstate tariff rather than to unbundled network elements. Subject to and without waiving these objections, DeltaCom will provide the total number of voice-grade equivalent lines, as DeltaCom defines the term, DeltaCom is providing to end-user customers in the areas served by each switch identified in response to interrogatory 1.

7., 10., & 13. DeltaCom objects to these interrogatories on the grounds that BellSouth’s definition of “voice grade equivalent lines” is vague and ambiguous as explained more fully in General Objection 10 above. Additionally, BellSouth asks DeltaCom to break down the total voice-grade equivalent lines identified by ILEC wire center in a prior response on the basis of “end user and end user location.” DeltaCom objects to these interrogatories on the grounds they are vague and ambiguous. The meaning of “customer location” is unclear in this context. DeltaCom requests clarification of the item. Further, in the event BellSouth intends to require DeltaCom to provide the information for each customer’s address, DeltaCom objects to these interrogatories on the basis that they are irrelevant, onerous, unduly burdensome, and ask for confidential, proprietary information that BellSouth does not require for its legitimate discovery purposes and is not entitled to. The information sought includes business and/or or commercial information and production of this information would lead to disclosure of information regarding DeltaCom's confidential, internal operations which could seriously damage its business. Additionally, DeltaCom objects to these interrogatories to the extent they seek or may be deemed to seek or require the production

or disclosure of information subject to the attorney/client or other privileges, the work product doctrine, the accountant/client privilege, any confidentiality or non-disclosure agreement or any other applicable privilege. Subject to and without waiving these objections, DeltaCom will provide information regarding South Carolina number of customers in the same format as that produced in Florida. The information is not available in the format requested for BTI. DeltaCom objects to BellSouth's Interrogatories to the extent they seek information related to special access circuits purchase out of BellSouth's interstate tariff rather than to unbundled network elements.

8. DeltaCom objects to this interrogatory because the term "qualifying service," is undefined, as more fully explained in General Objection 11 above. Therefore, this interrogatory is overly broad and it would be unduly burdensome for DeltaCom to respond to such ambiguous discovery. DeltaCom also objects to providing such information to the extent it is publicly available in the LERG. Subject to and without waiving these objections, DeltaCom will provide information on the wire centers in which DeltaCom provides service with one of its switches. DeltaCom objects to BellSouth's Interrogatories to the extent they seek information related to special access circuits purchase out of BellSouth's interstate tariff rather than to unbundled network elements.

11. DeltaCom objects to this interrogatory because the term "qualifying service," is undefined, as more fully explained in General Objection 11 above. Therefore, this interrogatory is overly broad, and it would be unduly burdensome for DeltaCom to respond to such ambiguous discovery. Subject to and without waiving these objections, DeltaCom will provide information regarding South Carolina number of

customers in the same format as that produced in Florida. The information is not available in the format requested for BTI.

12. DeltaCom objects to this interrogatory on the grounds that BellSouth's definition of "voice grade equivalent lines" is vague and ambiguous as more fully explained in General Objection 10 above. Subject to and without waiving these objections, DeltaCom will provide information regarding South Carolina number of customers in the same format as that produced in Florida. The information is not available in the format requested for BTI. DeltaCom objects to BellSouth's Interrogatories to the extent they seek information related to special access circuits purchase out of BellSouth's interstate tariff rather than to unbundled network elements.

14(a)-(c). DeltaCom objects to these interrogatories on the grounds that these interrogatories would require DeltaCom to provide information regarding "CLLI" codes and switch location information that is already in BellSouth's possession. Subject to and without waving this objection, DeltaCom will identify any switches from which it offers or provides capacity to other carriers.

14(d) & (e). DeltaCom objects to these interrogatories on the grounds that BellSouth's definition of "voice grade equivalent lines" is vague and ambiguous as more fully explained in General Objection 10 above.

14(f) DeltaCom objects to this interrogatory on the grounds that certain information requested by BellSouth regarding the "rates, terms and conditions of DeltaCom's switching" capability is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Additionally, this interrogatory requests information regarding "voice grade equivalent lines," BellSouth's definition of which is

vague and ambiguous as more fully explained in General Objection 10 above. Moreover, DeltaCom objects on the grounds that the information sought contains confidential, proprietary business or commercial information, and production of this information would lead to disclosure of information regarding DeltaCom's confidential, internal operations that could seriously damage its business. DeltaCom objects to the request to the extent it seeks or may be deemed to seek or require the production or disclosure of information or documents subject to the attorney/client or other privileges, the work product doctrine or the protection afforded mental impressions, conclusions, opinions or legal theories of DeltaCom's attorneys or its representatives.

15. DeltaCom objects to this interrogatory to the extent that it is not reasonably calculated to lead to the discovery of admissible evidence. To the extent that this interrogatory requests specific financial, business or proprietary information regarding DeltaCom's economic business model, DeltaCom objects to providing or producing any such information on the grounds that those requests presume that the market entry analysis is contingent upon DeltaCom's economic business model instead of the hypothetical business model contemplated by the TRO. The TRO explicitly contemplates that in considering whether a competing carrier economically can compete in a given market without access to a particular unbundled network element, the Commission must consider the likely revenues and costs associated with the given market based on the *most efficient business model* for entry rather than to a *particular carrier's business model*. TRO at ¶326. In particular, the FCC stated:

In considering whether a competing carrier could economically serve the market without access to the incumbent's switch, the state commission must also consider the likely revenues and costs associated

with local exchange mass market service . . . The analysis must be based on the *most efficient business model* for entry rather than to any *particular carrier's business model*.

Id. [Emphasis Added] Additionally, with respect to economic entry, in ¶517, the FCC stated that “. . . [t]he analysis must be based on the most efficient business model for entry rather than to any particular carrier's business model.” Furthermore, in Footnote 1579 of Paragraph 517, the FCC clarified that “. . . [s]tate commissions should not focus on whether competitors operate under a cost disadvantage. State commissions should determine if entry is economic by conducting a business case analysis for an *efficient entry*.” [emphasis added].

In addition to these statements, the FCC also made numerous other references to the operations and business plans of an efficient competitor, specifically rejecting a review of a particular carrier's business plans or related financial information. See ¶84, Footnote 275 (“Once the UNE market is properly defined, impairment should be tested by asking whether *a reasonable efficient CLEC* retains the ability to compete even without access to the UNE.”) (citing BellSouth Reply, Attach 2, Declaration of Howard A. Shelanski at ¶2(emphasis added)). See also, TRO at ¶115; ¶469; ¶485, Footnote 1509; ¶517, Footnote 1579; ¶519, Footnote 1585; ¶520, Footnotes 1588 and 1589; ¶581, and Footnote 1788.^a

Accordingly, the FCC's TRO specifically contemplates the consideration of financial and related information of an *efficient “model” competitor* and not that of DeltaCom or any other *particular competitor*. As a result, discovery of DeltaCom financial information or business plans will not lead to the discovery of admissible

evidence in this proceeding. DeltaCom also objects on the grounds that the interrogatory seeks the disclosure of commercially sensitive, confidential and proprietary business information. DeltaCom also objects because as defined within the interrogatories the term "business case" is overbroad. DeltaCom also objects because, particularly in view of the fact the information is irrelevant, requiring DeltaCom to disclose its internal analyses would be oppressive and unduly burdensome. Additionally, DeltaCom objects to this interrogatory to the extent it seeks or may be deemed to seek or require the production or disclosure of information subject to the attorney/client or other privileges, the work product doctrine, the accountant/client privilege, any confidentiality or non-disclosure agreement or any other applicable privilege.

16. & 17. DeltaCom objects to these interrogatories on the grounds that they will not lead to the discovery of admissible evidence. For the reasons explained in DeltaCom's objection to interrogatory 15 above, the business plans, marketing analyses and revenue projections of its retail switching service are beyond the scope of this proceeding.

DeltaCom also objects on the grounds these interrogatories are overbroad, oppressive, and unduly burdensome. DeltaCom objects to these interrogatories on the grounds that the information sought contains confidential, proprietary business or commercial information and production of these documents would lead to disclosure of information regarding DeltaCom's confidential, internal operations that could seriously damage its business. DeltaCom objects to these requests to the extent they seek or may be deemed to seek or require the production or disclosure of information or documents subject to the attorney/client, the accountant/client privilege, any confidentiality or non-

disclosure agreement or any other applicable privilege, including the work product doctrine or the protection afforded mental impressions, conclusions, opinions or legal theories of DeltaCom's attorneys or its representatives. DeltaCom objects to these interrogatories on the grounds that the requests to identify "every" document is unduly burdensome and oppressive.

18(a) & (b). DeltaCom objects to these interrogatories to the extent the information sought is publicly available in the LERG.

18(c). DeltaCom objects to this interrogatory on the grounds that it is not reasonably calculated to lead to the discovery of admissible evidence. This interrogatory seeks information about DeltaCom' network configuration which is beyond the scope of this proceeding.

18(d) & (e). DeltaCom objects to these interrogatories on the grounds that BellSouth's definition of "voice grade equivalent interrogatories are overly broad as more fully explained in General Objection 10 above and it would be unduly burdensome for DeltaCom to respond to such ambiguous discovery.

18(f). DeltaCom objects to this interrogatory on the grounds that it is not reasonably calculated to lead to the discovery of admissible evidence. The manner in which DeltaCom manages its switching services is beyond the scope of this proceeding. DeltaCom objects to this interrogatory because the term "qualifying service," because it is undefined, as more fully explained in General Objection 11 above. Therefore, this interrogatory is overly broad and would be unduly burdensome for DeltaCom to respond to such ambiguous discovery. DeltaCom objects to this interrogatory on the grounds that the information sought contains confidential, proprietary business or commercial

information and production of these documents would lead to disclosure of information regarding DeltaCom's confidential, internal operations that could seriously damage its business.

19. & 20. DeltaCom objects to these interrogatories because the term "qualifying service," is undefined, as more fully explained in General Objection 11 above. Therefore, these interrogatories are overly broad and would be unduly burdensome for DeltaCom to respond to such ambiguous discovery. Subject to, and without waiving this objection, DeltaCom will make reasonable efforts to respond with certain information regarding its facilities-based customers.

21. DeltaCom objects to this interrogatory on the grounds that it seeks information regarding "qualifying services" as this term is vague and undefined as more fully explained in General Objection 11 above. DeltaCom also objects to this interrogatory on the grounds that it is irrelevant. DeltaCom is not a wholesale switching provider. The rates of its retail switching service are beyond the scope of this proceeding.

22. & 23. DeltaCom objects to these interrogatories because the term "non-qualifying service," is undefined, as more fully explained in General Objection 11 above. Therefore, these interrogatories are overly broad and it would be unduly burdensome for DeltaCom to respond to such ambiguous discovery.

24. DeltaCom objects to this interrogatory because the term "non-qualifying service," is undefined, as more fully explained in General Objection 11 above. Therefore, this interrogatory is overly broad and it would be unduly burdensome for DeltaCom to respond to such ambiguous discovery. DeltaCom also objects on the

grounds that the rates for its services are confidential and proprietary.

25. DeltaCom objects to this interrogatory because the term "qualifying service," is undefined, as more fully explained in General Objection 11 above. Therefore, this interrogatory is overly broad and it would be unduly burdensome for DeltaCom to respond to such ambiguous discovery. Subject to and without waiving this objection, DeltaCom will provide certain information on the number of end user customers it has in South Carolina.

26. DeltaCom objects to this interrogatory because the term "qualifying service," is undefined, as more fully explained in General Objection 11 above. Therefore, this interrogatory is overly broad and would be unduly burdensome for DeltaCom to respond to such ambiguous discovery. DeltaCom also objects to this interrogatory because it is irrelevant and is not reasonably calculated to lead to the discovery of admissible evidence for the reasons explained in DeltaCom's objection to interrogatory 15. DeltaCom also objects on the grounds that the interrogatory asks for information that is irrelevant to the impairment analysis prescribed in the TRO. DeltaCom also objects to this interrogatory on the grounds it seeks confidential and proprietary business information. Further, DeltaCom interprets this interrogatory to request aggregate information. If BellSouth intended to request average monthly revenues for each individual end use customer, then DeltaCom objects on the grounds that the interrogatory is unduly burdensome and oppressive.

27. - 29. DeltaCom objects to these interrogatories because the terms "qualifying services" and "non-qualifying service," are undefined, as more fully explained in General Objection 11 above. DeltaCom objects to BellSouth's

Interrogatories to the extent they seek information related to special access circuits purchase out of BellSouth's interstate tariff rather than to unbundled network elements. Subject to, and without waiving these objections, DeltaCom will make reasonable efforts to provide certain information regarding its "non-qualifying services" and "qualifying services" that is not otherwise confidential, proprietary business or commercial information and production of its information would lead to disclosure of information regarding DeltaCom's confidential, internal operations that could seriously damage its business.

30. DeltaCom objects to this interrogatory because the terms "qualifying service" and "non-qualifying service," are undefined, as more fully explained in General Objection 11 above. Therefore, this interrogatory is overly broad and would be unduly burdensome for DeltaCom to respond to such ambiguous discovery. DeltaCom objects to BellSouth's Interrogatories to the extent they seek information related to special access circuits purchase out of BellSouth's interstate tariff rather than to unbundled network elements. Subject to, and without waiving such objections, DeltaCom will provide the total number of end user customers in South Carolina.

31. - 35. DeltaCom objects to these interrogatories on the grounds that these interrogatories seek information that is unrelated to and inconsistent with the impairment analysis prescribed in the TRO, is therefore irrelevant to the issues in the case and the analysis to be conducted by the Commission, and is not reasonably designed to lead to the discovery of admissible evidence as more fully explained in the objection to interrogatory 15 above. DeltaCom objects to BellSouth's Interrogatories to the extent they seek information related to special access circuits purchased out of BellSouth's

interstate tariff rather than to unbundled network elements. DeltaCom objects to the requests to the extent they seek or may be deemed to seek or require the production or disclosure of information or documents subject to the attorney/client, the accountant/client privilege, any confidentiality or non-disclosure agreement or any other applicable privilege, including the work product doctrine or the protection afforded mental impressions, conclusions, opinions or legal theories of DeltaCom's attorneys or its representatives. DeltaCom also objects on the grounds these interrogatories seek the disclosure of commercially sensitive, confidential and proprietary business information. DeltaCom also objects to the requests for information on a monthly basis since January 2000 as onerous, oppressive, unduly burdensome and beyond any legitimate discovery need. DeltaCom objects to these interrogatories because the terms "qualifying service" and "non-qualifying service," are undefined, as more fully explained in General Objection 11 above. Therefore, these interrogatories are overly broad and would be unduly burdensome for DeltaCom to respond to such ambiguous discovery.

38. DeltaCom objects to this interrogatory on the grounds that the information sought is confidential and proprietary, competitive information, the disclosure of which is not likely to lead to the discovery of admissible evidence for the reasons more fully explained in the specific objection to interrogatory 15.

39. DeltaCom objects to this interrogatory on the grounds that it is irrelevant. DeltaCom's marketing operations are beyond the scope of this proceeding. DeltaCom objects to this interrogatory because the terms "qualifying service" and "non-qualifying service," are undefined, as more fully explained in General Objection 11 above. Therefore, this interrogatory is overly broad and would be unduly burdensome for

DeltaCom to respond to such ambiguous discovery. DeltaCom also objects on the grounds that this interrogatory seeks information which is confidential and proprietary

40.- 42. DeltaCom objects to these interrogatories on the grounds that they are inconsistent with the analysis prescribed in the TRO, are unrelated to the analysis the Commission is to make, irrelevant to the issues in the docket, and not reasonably calculated to lead to the discovery of admissible evidence. DeltaCom objects to BellSouth's Interrogatories to the extent they seek information related to special access circuits purchase out of BellSouth's interstate tariff rather than to unbundled network elements. DeltaCom also objects on the basis that these interrogatories seek the disclosure of confidential and proprietary business information. DeltaCom objects to these requests to the extent they seek or may be deemed to seek or require the production or disclosure of information or documents subject to the attorney/client, the accountant/client privilege, any confidentiality or non-disclosure agreement or any other applicable privilege, including the work product doctrine or the protection afforded mental impressions, conclusions, opinions or legal theories of DeltaCom's attorneys or its representatives. DeltaCom also objects on the grounds these interrogatories as framed are overly broad and unduly burdensome. DeltaCom objects to these interrogatories on the grounds that they are irrelevant. DeltaCom's decision making about what type of transmission system with which it should serve a customer is beyond the scope of this proceeding.

43. DeltaCom objects to this interrogatory on the grounds that the information sought is irrelevant. DeltaCom's capital cost analyses are beyond the scope of this proceeding. Also, such information is confidential and proprietary to DeltaCom.

DeltaCom also objects to this interrogatory because it will not lead to the discovery of admissible evidence for the reasons explained in DeltaCom's objection to interrogatory 15.

44. DeltaCom objects to this interrogatory on the grounds that it is irrelevant. The individual components of DeltaCom's capital costs are beyond the scope of this proceeding. Also, such information is confidential and proprietary to DeltaCom. DeltaCom also objects to this interrogatory because it will not lead to the discovery of admissible evidence for the reasons explained in DeltaCom's objection to interrogatory 15.

45.- 49. DeltaCom objects to these interrogatories on the grounds that they are not reasonably calculated to lead to the discovery of admissible evidence as more fully explained in DeltaCom's objection to interrogatory 15 above. In addition, the period of time over which DeltaCom may evaluate a product offering is beyond the scope of this proceeding as are DeltaCom's definitions of the terms "sales expenses," and "general and administrative expenses" and its estimates of those expenses.

50. & 51. DeltaCom objects to these interrogatories on the grounds that BellSouth's definition of "hot cut," is vague as explained in General Objection 8 above. Therefore, these interrogatories are overly broad and would be unduly burdensome for DeltaCom to respond to such ambiguous discovery. DeltaCom also objects to these interrogatories on the grounds that providing this information since January 2000 is onerous, oppressive, unduly burdensome and beyond any legitimate discovery need. DeltaCom also objects to these interrogatories to the extent the information sought is already in BellSouth's possession or is publicly available to BellSouth. DeltaCom

objects to BellSouth's Interrogatories to the extent they seek information related to special access circuits purchase out of BellSouth's interstate tariff rather than to unbundled network elements. Subject to and without waiving these objections, DeltaCom will provide information regarding hot cuts as it understands the terms and for the last 12 months to the extent that this information is not already in BellSouth's possession.

52-67. & 69-78. DeltaCom objects to these interrogatories on the grounds that BellSouth's definition of the terms "hot cut," "individual hot cut process," "batch hot cut," "batch hot cut process," and "non-coordinated hot cut" are vague as explained in General Objection 8 above. Therefore, these interrogatories are overly broad and would be unduly burdensome for DeltaCom to respond to such ambiguous discovery. DeltaCom objects to BellSouth's Interrogatories to the extent they seek information related to special access circuits purchase out of BellSouth's interstate tariff rather than to unbundled network elements. Subject to and without waiving these objections, DeltaCom will provide information based on its understanding of the terms used.

68. DeltaCom objects to this interrogatory because the definition of "CFA database" is not defined. Therefore, this interrogatory is overly broad and would be unduly burdensome for DeltaCom to respond to such ambiguous discovery. DeltaCom requests clarification of the term "CFA database," and subject to this clarification, DeltaCom will provide a response.

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December 1, 2003

CERTIFICATE OF SERVICE

I, the undersigned paralegal of the law offices of Sowell Gray Stepp & Laffitte, L.L.C., attorneys for DeltaCom, do hereby certify that I have a copy of the pleading(s) hereinbelow specified via e-mail to the following address(es):

Pleadings: **ITC^DeltaCom Communications, Inc. and BTI's Objections to BellSouth's First Set of Interrogatories**

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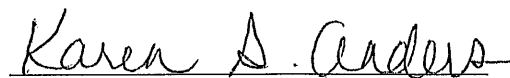
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December 1, 2003